

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jimmy Tsen et al.  
Serial No. : 09/994,439  
Filed : November 26, 2001  
Title : SHOE

Art Unit : 3758  
Examiner : Unknown

Commissioner for Patents  
Washington, D.C. 20231



PETITION ON BEHALF OF JOINT INVENTOR UNDER 37 C.F.R. 1.47(a) TO PROCEED  
UPON REFUSAL OF OTHER JOINT INVENTORS

This petition under 37 C.F.R. 1.47(a) is made on behalf of the joint inventor, Jonathan Beardsley, who seeks to make this application on behalf of himself and his joint inventors, Jimmy Tsen, Jason L. Nevens and Matthew Sumner, each of whom has failed to join in this application for patent.

The last known address for each of these joint inventors, with their last date of employment by the assignee of this invention, is as follows:

Jimmy Tsen  
314 Springbrook Circle  
Portsmouth, NH 03801

November 30, 2001

Jason L. Nevens  
4 Lake Bellevue Drive, #107  
Bellevue, WA 98005

July 5, 2001

Matthew Sumner  
71 Montclair Avenue  
Quincy, MA 02171

October 1, 2001

Submitted in support of this petition are the following documents:

1. A Combined Declaration and Power of Attorney signed by Jonathan Beardsley

CERTIFICATE OF MAILING BY FIRST CLASS MAIL

I hereby certify under 37 CFR §1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated below and is addressed to the Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit

APRIL 9 2002

Signature

TIMOTHY A. FRENCH

Typed or Printed Name of Person Signing Certificate

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Attorney's Docket No.: 06128-266001

2. A check in the amount of \$130.00 in payment of the fee required under 37 CFR 1.17(h) for this petition.

3. A declaration under 37 CFR 1.47(a) documenting refusal by the joint inventor, Jimmy Tsen, to join in this patent application, the declaration being made by Rita M. Liston, a person knowledgeable with the effort to actual facts.

4. A declaration under 37 CFR 1.47(a) documenting refusal by the joint inventor, Jason L. Nevens, to join in this patent application, the declaration being made by Rita M. Liston, a person knowledgeable with the actual facts.

5. A declaration under 37 CFR 1.47(a) documenting refusal by the joint inventor, Matthew Sumner, to join in this patent application, the declaration being made by Rita M. Liston, a person knowledgeable with the actual facts.

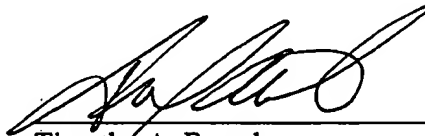
Please contact the undersigned if additional information is required in connection with consideration of this Petition.

Please apply any additional charges, or make any credits, to Deposit Account No. 06-1050.

Respectfully submitted,

Date: \_\_\_\_\_

April 3 2002



\_\_\_\_\_  
Timothy A. French  
Reg. No. 30,175

Fish & Richardson P.C.  
225 Franklin Street  
Boston, Massachusetts 02110-2804  
Telephone: (617) 542-5070  
Facsimile: (617) 542-8906

# COMBINED DECLARATION AND POWER OF ATTORNEY



As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled SHOE, the specification of which:

- ☐ is attached hereto.  
☒ was filed on November 26, 2001 as Application Serial No. 09/994,439 and was amended on \_\_\_\_\_  
☐ was described and claimed in PCT International Application No. \_\_\_\_\_ filed on \_\_\_\_\_ and as amended under PCT Article 19 on \_\_\_\_\_.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose all information I know to be material to patentability in accordance with Title 37, Code of Federal Regulations, §1.56.

I hereby claim the benefit under Title 35, United States Code, §119(e)(1) of any United States provisional application(s) listed below:

U.S. Serial No.	Filing Date	Status
60/253,286	November 27, 2000	Pending

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose all information I know to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56(a) which became available between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.	Filing Date	Status
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I hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

Country	Application No.	Filing Date	Priority Claimed
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Timothy A. French, Reg. No. 30,175  
 David L. Feigenbaum, Reg. No. 30,378

William E. Booth, Reg. No. 28,933  
 John F. Hayden, Reg. No. 37,640

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Address all telephone calls to TIMOTHY A. FRENCH at telephone number (617) 542-5070.

Address all correspondence to TIMOTHY A. FRENCH at:

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225 Franklin Street  
Boston, Massachusetts 02110-2804



I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issued thereon.

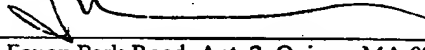
Full Name of Inventor: JIMMY TSEN

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: 314 Springbrook Circle, Portsmouth, NH 03801  
Citizenship: \_\_\_\_\_  
Post Office Address: 314 Springbrook Circle, Portsmouth, NH 03801

Full Name of Inventor: JASON L. NEVENS

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: 4 Lake Bellevue Drive, #107, Bellevue, WA 98005  
Citizenship: United States  
Post Office Address: 4 Lake Bellevue Drive, #107, Bellevue, WA 98005

Full Name of Inventor: JONATHAN BEARDSLEY

Inventor's Signature:  Date: 3/25/02  
Residence Address: 127 Faxon Park Road, Apt. 2, Quincy, MA 02169  
Citizenship: United States  
Post Office Address: 127 Faxon Park Road, Apt. 2, Quincy, MA 02169

Full Name of Inventor: MATTHEW SUMNER

Inventor's Signature: \_\_\_\_\_ Date: \_\_\_\_\_  
Residence Address: 71 Montclair Avenue, Quincy, MA 02171  
Citizenship: United States  
Post Office Address: 71 Montclair Avenue, Quincy, MA 02171

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